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LETTER DATED 26 APRIL 1994 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the letter of 23 April 1994 from my Minister for Foreign Affairs, Mr. Hassan A. Hassanov, addressed to you.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Yashar T. ALLYEV
Chargé d'affaires a.i.

Annex

[Original: Russian]

Letter dated 23 April 1994 from the Minister for Foreign Affairs of Azerbaijan addressed to the Secretary-General

In view of the many statements made by the leaders of Armenia claiming that Armenia is in no way involved in the aggression against Azerbaijan and that the war in the territory of Azerbaijan is being waged between Azerbaijan and Nagorny Karabakh, I should like to summarize some of the main developments relating to the conflict between Armenia and Azerbaijan and cite a number of facts which testify to the direct participation of Armenia in the armed aggression against Azerbaijan.

Let us look at the facts.

From the very onset of the Armenian-Azerbaijani conflict in 1988, all the legislative acts adopted by Armenia in respect of the Nagorny Karabakh region of the Azerbaijani Republic have been illegal and have clearly testified to the open intentions of Armenia to seize the Nagorny Karabakh region of Azerbaijan and annex it to Armenia. This was nothing other than the onset of political aggression by Armenia against Azerbaijan.

The first and most important proof of the aggressive actions of Armenia against Azerbaijan was the famous resolution adopted by the Parliament of Armenia as early as 1 December 1989 "on the reunification of the Armenian SSR and Nagorny Karabakh", which, by the way, has not to this day been rescinded. Moreover, on 23 February 1990, the Central Electoral Commission of the Armenian SSR adopted a decision on the election of peoples' deputies of the Armenian SSR, which included the formation on the territory of the Nagorny Karabakh Autonomous Region of the Azerbaijani SSR of 12 electoral districts for the election of peoples' deputies of the Armenian SSR, who were elected from the Nagorny Karabakh Autonomous Region and still form part of the functioning Parliament of the Republic of Armenia. On 9 January 1990, the Supreme Soviet of the Armenian SSR adopted a resolution "on the inclusion of the Nagorny Karabakh Autonomous Region in the State plan for the economic and social development of the Armenian SSR for 1990". On 23 August 1990, the Supreme Soviet of the Armenian SSR adopted a "Declaration on independence", which included the territory of the Nagorny Karabakh Autonomous Region of the Azerbaijani SSR. Another illegal act on the part of the Republic of Armenia was the resolution of the Supreme Council of Armenia of 8 July 1992, in which it decided that "any international or internal State documents in which Nagorny Karabakh was referred to as part of Azerbaijan were regarded as unacceptable by the Republic of Armenia".

As the successor to the former Armenian SSR, the Republic of Armenia has not rescinded a single one of the illegal acts adopted by the former Armenian SSR with respect to Nagorny Karabakh. This testifies to the continued aggressive attitude of Armenia with regard to the territory of Azerbaijan.

In their statements, the leaders of Armenia cite documents of various international organizations (the United Nations, the Conference on Security and Cooperation in Europe (CSCE) and others) in which, in their words, Armenia is nowhere recognized as a party to the conflict. These references by the leaders of the Armenian State, however, have no foundation.

In view of the exacerbation and spread of the Armenian-Azerbaijani conflict and the occupation by the armed forces of Armenia of territory belonging to Azerbaijan, the United Nations has begun to show increasing concern, which has been reflected in the adoption of four resolutions by the Security Council of the United Nations and six statements by the President of the Security Council on the conflict.

On 6 April 1993, the President of the Security Council made a statement in which the Security Council expressed "its serious concern at the deterioration of relations between the Republic of Armenia and the Republic of Azerbaijan ..." (S/25539).

On 30 April 1993, after the seizure of the Kelbajar district of Azerbaijan by the armed forces of Armenia, the Security Council adopted resolution 822 (1993), in which it expressed "its serious concern at the deterioration of the relations between the Republic of Armenia and the Republic of Azerbaijan".

On 29 July 1993, after the seizure of the Agdam district of Azerbaijan by the armed forces of Armenia, the Security Council adopted resolution 853 (1993), in which it expressed "its serious concern at the deterioration of relations between the Republic of Armenia and the Azerbaijani Republic and at the tensions between them, ..." and urged States "to refrain from the supply of any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory". The Security Council also urged "the Government of the Republic of Armenia to continue to exert its influence to achieve compliance by the Armenians of the Nagorny Karabakh region of the Azerbaijani Republic with its resolution 822 (1993) ...".

On 18 August 1993, the President of the Security Council made a statement in which the Council expressed "its serious concern at the deterioration of relations between the Republic of Armenia and the Azerbaijani Republic and at the tensions between them" and called upon "the Government of the Republic of Armenia to use its influence to achieve compliance by the Armenians of the Nagorny Karabakh region of the Azerbaijani Republic with its resolutions 822 (1993) and 853 (1993)." After demanding the immediate, complete and unconditional withdrawal of all the occupying forces from all the districts of the Azerbaijani Republic which had been seized, the Council called upon "the Government of the Republic of Armenia to use its unique influence to this end".

On 14 October 1993, after the seizure of the Kubatly district of Azerbaijan by the armed forces of the Republic of Armenia, the Security Council adopted resolution 874 (1993) in which it expressed "its serious concern that a continuation ... of the tensions between the Republic of Armenia and the Azerbaijani Republic would endanger peace and security in the region" and urged "all States in the region to refrain from any hostile acts and from any

interference or intervention which would lead to the widening of the conflict and undermine peace and security in the region".

On 12 November 1993, after the seizure of the Zangelan district and the city of Goradiz in Azerbaijan by the armed forces of the Republic of Armenia, the Security Council adopted resolution 884 (1993), in which, after "expressing its serious concern that a continuation ... of the tensions between the Republic of Armenia and the Azerbaijani Republic would endanger peace and security in the region," and "noting with alarm the escalation in armed hostilities", it condemned "the occupation of the Zangelan district and the city of Goradiz, attacks on civilians and bombardments of the territory of the Azerbaijani Republic" and called upon "the Government of Armenia to use its influence to achieve compliance by the Armenians of the Nagorny Karabakh region of the Azerbaijani Republic with resolutions 822 (1993), 853 (1993) and 874 (1993), and to ensure that the forces involved are not provided with the means to extend their military campaign further".

In the light of the recent escalation of the conflict, the Council once again renewed the appeal which it had made to States in resolution 853 (1993) to refrain from the supply of any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory of the Azerbaijani Republic. The Council called upon the Government of the Republic of Armenia to ensure that the forces involved were not provided with the means to extend their military campaign further (S/26326).

It is a well known fact that Armenia, having in May 1992 captured the Lachin district, which it calls a "humanitarian corridor", had a direct opportunity to transfer arms, ammunition and troops to Nagorny Karabakh through that so-called humanitarian corridor. Since then such transfers have become a regular feature. It is for that reason that Security Council resolutions 853 (1993) of 29 July 1993 and 884 (1993) of 12 November 1993 and the statement of the President of the Security Council of 18 August 1993 (S/26326) contain appeals "to refrain from the supply of any weapons and munitions which might lead to ... the continued occupation of territory of the Azerbaijani Republic". The Security Council called upon the Government of Armenia to ensure that the forces involved were not provided with the means to extend their military campaign further.

All the resolutions of the Security Council and the statements of the President of the Security Council on the Armenian-Azerbaijani conflict reaffirm the sovereignty and territorial integrity of Azerbaijan and of all other States in the region and the inviolability of their borders and emphasize the inadmissibility of the use of force for the acquisition of territory.

All the facts adduced in the resolutions of the Security Council and in other international documents testify to the organization and carrying out by Armenia of aggression against Azerbaijan.

Thus, a war is being waged in the territory of Azerbaijan by the armed forces of the Republic of Armenia, using the separatist forces of the Nagorny Karabakh region of the Azerbaijani Republic. In military operations in the territory of Azerbaijan, the Republic of Armenia is deploying heavy military

equipment which, under the Treaty on Conventional Armed Forces in Europe, should be stationed in the territory of Armenia. Azerbaijan has repeatedly informed the leadership of the North Atlantic Treaty Organization (NATO), the Western European Union and the head of the Joint Consultative Group under the Treaty on Conventional Armed Forces in Europe of these facts.

In a resolution adopted at a meeting on 23 February 1994, the United Nations Commission on Human Rights noted with deep concern the continuation of the situation of armed conflict between Armenia and Azerbaijan which had resulted in massive loss of life. The very fact that the United Nations Commission on Human Rights noted that there was an armed conflict between Armenia and Azerbaijan and expressed concern about the massive loss of life on both sides, as a consequence, of course, of the military activities, is a clear indication by that authoritative international organ of the direct participation by Armenia in the war against Azerbaijan. Throughout the years of the conflict, Armenia has always declared itself ready to implement a cease-fire. The question arises: How can an Armenia which is not fighting a war cease fire?

Armenia has on more than one occasion stated that it has no territorial claims to Azerbaijan, yet at a meeting of the Council of the Conference on Security and Cooperation in Europe (CSCE) in Rome on 30 November-1 December 1993 and at a meeting of the Ministers for Foreign Affairs of the North Atlantic Cooperation Council (NACC) held in Brussels on 2 December 1993 it refused to sign a document recognizing the sovereignty and territorial integrity of Azerbaijan and of the other members of CSCE and NACC. I would note, incidentally, that in Moscow, at the most recent meeting of the Heads of State of the Commonwealth of Independent States, on 15 April 1994, Armenia, continuing to follow the same practice, was the only one of 12 States to refuse to sign the Declaration on the maintenance of the sovereignty, territorial integrity and inviolability of the frontiers of States members of the Commonwealth of Independent States (S/1994/477, annex), thereby throwing down a challenge not only to Azerbaijan but to all the members of the Commonwealth.

The leaders of Armenia constantly explain that the reason for their interest in the Nagorny Karabakh region of Azerbaijan is that a population of Armenian nationality is living in that region. But does that give Armenia the right, even taking that factor into account, to arm it, establish armed detachments of separatists there, include them in its army, and so on? In the last analysis, it would appear from the version put out by the leaders of Armenia, in their attempt to convince the entire world, that the Armenian community in Nagorny Karabakh, with a population of 100,000 constituting in all 1.5 per cent of the population of Azerbaijan and with an area constituting 1.6 per cent of the territory of Azerbaijan, has captured 20 per cent of the territory of Azerbaijan and expelled millions of Azerbaijanis from their places of permanent residence.

In a resolution on the results of the meeting of Ministers for Foreign Affairs of 53 States members of the Organization of the Islamic Conference (OIC) adopted in April 1993, the aggression of the Republic of Armenia against Azerbaijan was strongly condemned. In a resolution adopted in September 1993, OIC expressed deep concern at the continued aggression by the Republic of

Armenia against Azerbaijan aimed at acquiring territory and causing great loss of human life.

In a joint statement adopted at a meeting of the Heads of 10 States members of the Economic Cooperation Organization (ECO) in Istanbul in July 1993, the Heads of State of ECO emphasized that the aggression by the Republic of Armenia against Azerbaijan was a gross violation of the Charter of the United Nations, international law, the Human Rights Conventions and the documents of CSCE. The Heads of States members of ECO unanimously condemned the aggressive policy of the Republic of Armenia and called upon the world community to stop the aggressor.

In the territory of the Republic of Armenia and the Nagorny Karabakh region of Azerbaijan which it has occupied there are more than 3,000 Azerbaijani prisoners of war and hostages; they were taken prisoner in the territory of Azerbaijan and some of them have been taken to Armenia. Although Armenia denies the presence in its territory of such a large number of Azerbaijani prisoners of war and hostages, nevertheless in 1993 alone Armenia returned more than 200 prisoners of war and hostages to Azerbaijan. On 16 February 1994, in a press release issued by the press service of the Ministry of Foreign Affairs of the Republic of Armenia, it was officially acknowledged that eight Azerbaijani prisoners of war had been shot in the territory of Armenia. With the assistance of the International Committee of the Red Cross, Azerbaijan was able to secure the return from Armenia of the bodies of the Azerbaijanis who had been shot. An expert medical investigation carried out by the health services in Azerbaijan and an independent expert from Scotland, Dr. Derek Pounder, confirmed that the Azerbaijani prisoners of war had been shot. In essence, the authorities in Armenia executed the Azerbaijani prisoners of war, an act which is in flagrant violation of the 1949 Geneva Conventions for the protection of war victims and of the generally accepted rules of ethics and morality.

In January 1994, soldiers belonging to military units of Armenia were taken prisoner in the territory of the Kelbajar district of Azerbaijan. Military records and officers' certificates issued by military commissariats in various districts of Armenia were taken from the Armenian prisoners of war. Among the documents taken were maps and orders to seize districts in Azerbaijan bordering on Armenia, signed by the Chief of the General Staff of the Armed Forces of the Republic of Armenia, transport work tickets of the drivers of military vehicles, and so on. At a meeting with the diplomatic corps accredited to Baku held at the request of the prisoners of war and at a press conference for local and foreign journalists, the Armenian prisoners of war testified to the direct participation of Armenia in the war against Azerbaijan.

Further evidence of the direct aggression by Armenia against Azerbaijan is provided by the capture of the village of Kyarki in the Nakhichevan Autonomous Republic and the Lachin, Kelbajar, Gubadli and Zangelan districts and six villages of the Kazakh district of Azerbaijan not far from the Nagorny Karabakh region, which were captured directly from the territory of Armenia by its armed forces; the capture and effective control of a stretch of the State frontier between Azerbaijan and the Islamic Republic of Iran, totalling 150 kilometres; not to mention the constant shelling and bombardment from Armenia of frontier

villages in the Kazakh, Akstafa, Tauz and Kedabek districts and the Nakhichevan Autonomous Republic.

Thus, the facts we have adduced completely refute the repeated assertions by Armenia that Armenia is not involved in the aggression against Azerbaijan. Against this background, their latest statements appear false and are evidence of the regular policy of the leaders of Armenia to mislead the world community with a view to concealing the annexationist aims of Armenia with regard to Azerbaijan.

These facts convincingly prove that from the very outset Armenia has been the initiator, organizer and main participant in the armed aggression against a sovereign State - the Azerbaijani Republic.

(Signed) H. HASSANOV